

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 Daryll Lucas,

5 Plaintiff,

6 v.

7 Lacinda Elgan, et al.,

8 Defendants.  
9  
10

Case No. 2:23-cv-01688-ART-BNW


**ORDER**

11 This Court originally gave Plaintiff until October 22, 2024, to serve Defendants. ECF No.  
12 14. To date, Plaintiff has still not served Defendant Elgan despite numerous extensions of time to  
13 do so. ECF Nos. 29 and 41. This Court has directed the U.S. Marshals to attempt service on  
14 Defendant Elgan three times now. ECF No. 14, 29, 43. And, it has notified Plaintiff, several  
15 times, that Defendant Elgan has not been served. ECF Nos. 51 and 53.

16 Under Federal Rule of Civil Procedure 4(m), if the defendant is not served within 90 days  
17 after the complaint is filed, the court, on motion or on its own after notice to the plaintiff, must  
18 dismiss an action without prejudice against a defendant or order that service be made within a  
19 specified time. However, "if the plaintiff shows good cause for the failure, the court must extend  
20 the time for service for an appropriate period." Fed. R. Civ. P. 4(m). In the absence of good cause,  
21 the court has discretion to dismiss the case without prejudice or to extend the time for service. *In*  
22 *re Sheehan*, 253 F.3d 507, 512 (9th Cir. 2001). Plaintiff will have *one final opportunity* to serve  
23 Defendant Elgan. If Defendant Elgan is not served by July 30, 2025, this Court will recommend  
24 the case be dismissed.

25 **IT IS ORDERED** that the Clerk of Court: (1) issue a summons to Defendant Elgan; (2)  
26 deliver the summons, one copy of the ECF No. 15 complaint, and this Order to the U.S. Marshal  
27 to re-serve Defendant Elgan; and (3) mail Plaintiff one blank copy of Form USM-285. Once  
28 Plaintiff receives the USM-285 form, Plaintiff must fill in an address for Defendant Elgan.

**IT IS FURTHER ORDERED** that the U.S. Marshal must, in accordance with Federal Rule of Civil Procedure 4(c)(3), attempt service on Defendant Elgan no later than July 30, 2025.

  
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE